would fix the price of cane with reference to its quality, and that price would necessarily have to be paid by the factory.

MR. H. KRISHNAMURTHI ACHAR did not think that, if the price of foreign sugar and that of the locally manufactured sugar was the same, there would not be much demand for the local supply. He therefore suggested that the local sugar must be enabled to sell at a cheaper rate than foreign sugar.

Dharmapravartha M. L. NAGAPPA SETTY said that, in framing the legislation, the interests of the cane growers had not been disregarded. They were sure to get reasonable prices for their cane. The price of cane depended upon its variety and growth. This legislation therefore was a protective measure. Government had contributed 60 per cent of the capital of the factory and they would not do things which would entail them in loss. If the Government got heavy dividends, others interested in the industry would get their share of the profit. Bearing this in mind, he said, the House should give its support to the measure.

At this stage, the Assembly adjourned for lunch and reassembled at 3-30 P.M.

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Swearing in of Members.

Before discussions were resumed, the following members took the Oath of Allegiance :—

1. Mr. H. M. Channabasappa.
2. ,, Channagiri Rangappa.
3. ,, Patti Basappa.

GOVERNMENT BUSINESS—(*Continued*).

III. Bill to provide for the Imposition and Collection of an Excise Duty on Sugar—(*concld.*).

MR. SINGRI NANJAPPA was at a loss to understand the statement that the proposed excise duty would not affect the raiyat. Even though it might not affect the sugar-cane grower directly, it was bound to affect the consumer. The sugar factory had just commenced work and how far it would be helpful to the raiyats had yet to be ascertained. He would therefore suggest the postponement of the measure till the next session of the House.

MR. K. KEMPE GOWDA suggested that a clause should be provided in the Bill guaranteeing to the cane grower a minimum price of Rs. 12 per ton.

THE SECOND MEMBER OF COUNCIL replied that the question was engaging the attention of Government.

MR. CHANNAGIRI RANGAPPA and ANOTHER MEMBER pointed out that unlike the excise duty on matches, which was expected to bring into the State an income of Rs. 5 lakhs, the duty on sugar would yield only an income of Rs. 2 lakhs. As this duty would weigh very heavily upon the raiyat at a time when he was already suffering under the weight of heavy taxation as well as economic depression, there was little justification for passing the Bill. They suggested that instead of imposing a duty on sugar manufactured within the State, Government might, in order to improve the economic condition of the agriculturists, allow the raiyats to sell the sugar-cane at a higher price so as to raise the price of sugar to the British Indian level.

MR. MIR MAHOMED SAB, in supporting the Bill, considered that if the proposed duty was not imposed, it would only help the merchant classes and not the raiyats; whereas, if it was levied, the revenues of the State would improve. He therefore appealed to the members to accept the measure.

MR. S. VENKATASAMI GOWDA enquired if the proposed excise duty would affect the indigenous manufacture of red sugar.

THE SECOND MEMBER OF COUNCIL replied that the term "Sugar" would be defined in the Bill to mean only white sugar produced in factories and as such, it would not affect the indigenous industry.

MR. A. VENKATESAIYA opposed the Bill on a point of principle. He pointed out that as the Imperial Government had afforded protection to the sugar industry for a period of 15 years, the Mysore Sugar Company might benefit by it till then and not for all time to come. The excise duty now proposed here might aid the Government in balancing the budgets. But if and when the Government of India withdrew the duty on foreign sugar, the Mysore Government would forego the income from the protective duty because they also would have to withdraw it and they could not fix their own price for sugar as that would depend on the general market conditions. For this reason, he suggested that if the duty was levied, Government should constitute the receipts from the excise duty into a separate fund and

ear-mark the same for affording necessary encouragement to local sugar-cane growers and enable them to compete with foreign suppliers. He opposed the system of merging these receipts with the general revenues.

THE SECOND MEMBER OF COUNCIL explained, with reference to the observations of the last speaker, that the question of affording assistance to sugar-cane growers had been dealt with in detail in the Dewan's Address, as also the steps taken by Government to develop the sugar industry within the State, such as giving advances and otherwise. He assured the House that in future also, whatever help was necessary to organize the industry on right lines would be made available. He added that the raiyats had not much to lose by the proposed levy, while Government stood to gain by it. In these circumstances, he hoped that the House would accept the measure.

The general principles of the Bill were then put to vote, but *rejected* by a majority.

THE FIRST MEMBER OF COUNCIL announced that as several members had expressed a desire to attend the Opening Ceremony of the New Town of Yedatore by His Highness the Maharaja, on the morning of the next day, the President had decided that the House would commence its sitting at 3 o'clock in the afternoon instead of at 12 NOON.

IV. Statement of General Principles of the Mysore Extradition Bill.

THE GENERAL SECRETARY TO GOVERNMENT explained the general principles of the Bill as follows :—

"For the extradition and surrender of fugitive criminals, Mysore has entered into reciprocal arrangements with some States such as Hyderabad, Cochin, Pudukottah, Travancore, Sandur, Banganpalli, etc., but the procedure for giving effect to such arrangements rests mainly on executive action and has no statutory basis.

"So far as the extradition of fugitive criminals to British India is concerned, the present procedure is the one prescribed by the Chief Commissioner's Notification No. III, dated 23rd July 1878. According to it, whenever a warrant is issued by a British Indian Magistrate for the surrender of

a fugitive criminal, it has to be acted upon by the Mysore Magistrate as if it were a warrant issued by himself and the fugitive surrendered. The offence for which a warrant can be issued under this notification need not be an offence under the law in Mysore; nor again need it necessarily be what is generally known as 'an extradition offence.'

"Under the Indian Extradition Act of 1903, extradition is allowed only in respect of some few offences specified in the Schedule to the Act. According to it, a requisition has to be made to the British Resident together with the particulars of the offence, the whereabouts of the accused and the records of the criminal enquiry held by the Mysore Magistrate making a *prima facie* case against the accused. The Resident, after satisfying himself that a *prima facie* case has been made out, issues a warrant for the arrest of the accused. The Resident also satisfies himself that the surrendered accused receives a fair trial and the punishment is not excessive or barbarous.

"Though the intention, when the Chief Commissioner's Notification of 1878 was issued, appears to have been to limit its operation to extradition offences, in practice, all offences and even offences of a purely fiscal nature such as failure to pay taxes due on a motor vehicle, offences more or less of a civil nature such as defamation, and acts which have been penalised recently and which could not have been contemplated as offences when the Chief Commissioner's Notification was issued, have, in course of time, been brought under it.

"The general principle underlying extradition between States is that each State should surrender in response to the demands of others, all persons charged with crimes which are recognised by the general conscience of civilised nations as grave offences.

"The existing law and procedure in respect of the surrender of fugitive criminals to British India have been examined in detail in the recent judgment of the Full Bench of the High Court of Mysore in Criminal Revision Petition No. 192 of 1932-33. In that case, it has been held that the Chief Commissioner's Notification of 1878 has the force of law in Mysore, but that the British Indian Magistrate was not legally competent to issue a warrant for execution outside the limits of British India, and that his warrant for execution in Mysore was illegal and without jurisdiction. In the case under reference, the offence was not one classed as extraditable under the law in force in British India, but

the grounds for the decision about the illegality of the British Indian Magistrate's warrant seem to be of general application. In view of this decision, it appears that doubts are liable to be raised in regard to the surrender of fugitive criminals under the Chief Commissioner's Notification even in extradition cases.

" It has therefore been considered desirable and necessary to place on a statutory basis the procedure adopted for the surrender and extradition of criminals from Mysore to other States and British India. A Bill intended to give effect to this and also to remove the anomalies and inconveniences existing in the present procedure has been drafted. A copy of the Bill has been appended hereto (*vide* Appendix II).

" The Bill is modelled on the lines of the Indian Extradition Act XV of 1903, and deals with extradition between—

1. Mysore and British India, and
2. Mysore and other States in India.

" The Bill provides mainly for extradition in respect of offences which are known as extradition offences. These are enumerated in the Schedule which follows closely the Indian Act.

" Chapter II deals with the surrender of criminals in the case of the States in India. The provisions will apply only in the case of such States between which and Mysore there are arrangements for extradition. For the application of the Regulation, the Government will have to issue a notification in this behalf reciting the terms of the arrangement.

" The main features of the procedure for extradition in such cases are—

(*a*) A requisition has to be made by the State asking for the extradition of a fugitive;

(*b*) Government have to direct an enquiry by a Magistrate;

(*c*) the Magistrate has to issue process, hold an enquiry and find out whether a *prima facie* case is made out;

(*d*) the Magistrate after enquiry has to make a report;

(*e*) the Government may then issue a warrant for the surrender of the fugitive criminal.

" Chapter III deals with surrender of criminals in the case of British India and the procedure prescribed herein follows closely the procedure under the Indian Act for extradition of fugitive criminals from British India to Mysore. In view of the existing arrangements between

Mysore and British India, the enquiry by a Magistrate contemplated in Part II is dipensed with in the case of extradition offences which are enumerated in the Schedule. The Government may, on receipt of a requisition therefor and on being satisfied that a *prima facie* case has been committed, direct the issue of a warrant to the District Magistrate of the District concerned for the arrest of the fugitive criminal. The District Magistrate will have to arrest such person and release him on bail if so directed by the warrant, or deliver him to the person or authority indicated in the warrant.

" Provision is also made for extradition to British India in respect of offences other than extradition offences. Requisitions in such cases will be dealt with in accordance with the procedure prescribed in Chapter II. After enquiry by a Magistrate, the Government may permit extradition in respect of such effences also.

" Local Magistrates are empowered to arrest persons who are accused or suspected of having committed an extradition offence in British India or the State to which this Regulation applies pending the receipt of a requisition or the issue of a warrant for his arrest by the Government. Provision is made for the re-surrender of persons undergoing sentence for offences in Mysore. The prerogative right of His Highness to direct the extradition of any criminal in Mysore is declared and preserved, and this will enable the performance of obligations under Art. 15 of the Mysore Treaty. The Chief Commissioner's Notification of 1878 will be repealed."

At the request of several members, the House adjourned at 4 p.m., in view of the election of members from the Assembly to the Legislative Council to be held from 4 to 6 that evening.